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Approved For Release 2005/03/16 : CIA-RDP80B01554R003300130018-7

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PUBLISHERS WEEKLY
20 June 1980

Two Authors Urge Congress To Keep FOIA Restraints

A pair of authors urged Congress May 29 to reject proposals to free the various U.S. intelligence agencies from the disclosure rules of the Freedom of Information Act.

"I come before you as a citizen who is deeply concerned that the CIA's attempt to further restrict FOI access to its files, indexes and documents is a bureaucratic Trojan Horse," said William R. Corson, author of "The Armies of Ignorance" (*Dial*), which traces the rise of the American intelligence community since the Revolutionary War.

Corson and Athan Theoharis were among a group of witnesses who testified before a House Government Operations subcommittee on legislation proposed by the administration to free the intelligence agencies from FOI strictures.

Theoharis, author of "Spying on Americans" (*Temple University Press*), an examination of U.S. political surveillance from 1936 to 1970, listed several allegedly illegal actions or political activities by the CIA and FBI that would not have been disclosed if the administration's proposal had been in effect.

Sought by the Justice Department and the CIA, the proposal would eliminate the requirement that courts be allowed to review decisions by intelligence agencies to deny information sought by citizens under the act. The proposal also would allow the CIA or FBI to withhold almost all information about its activities, requiring them only to release information to persons who request it about themselves.

A much milder bill, introduced by Rep. Richardson Preyer (D., N.C.), chairman of the Information and Individual Rights Subcommittee, as a "talking piece," would add to the categories of material now exempted from coverage by the FOIA information that is "obtained under an express promise of confidentiality by the Central Intelligence Agency either from a secret intelligence source or from a foreign intelligence service." The bill would not alter current procedures allowing judicial review of agency refusals to release such information.

Corson said in his testimony that recent books such as Peter Wyden's "Bay of Pigs" (*Simon & Schuster*) and David Martin's "Wilderness of Mirrors" (*Harper & Row*), which deals with the CIA's fruitless search for a "mole," "underscore the worth of the FOI act in providing our people with a more accurate rendition of events and the roles of those involved."

The witnesses noted that in an appearance before the same panel in February, Frank Carlucci, the deputy CIA director, acknowledged that the CIA has not had to give out any information under the FOIA that was potentially dangerous to the national security. Carlucci and the CIA are arguing now that it is the perception by potential sources abroad that the CIA must divulge many of its activities that is having a chilling effect on their cooperation with the CIA.

Theoharis and other witnesses said they would prefer no changes in current law, but if either proposal had to survive, it should be the milder Preyer measure.

HOWARD FIELDS